THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.10059 of 2007

Dated: 26-06-2007

Between:

P.Rajasekhar.

..... PETITIONER

AND

The District Collector, Chittoor District, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.10059 of 2007

ORDER:

The petitioner was assigned land to an extent of Ac.1.50 in survey No.64/1-B situated at Gundrajakuppan Village, Nagari Mandal, Chittoor District, vide orders in D.K.T.No.10/4/1411 dated 22.02.2002. He alleges that he has not violated any conditions of assignment and that after obtaining quarry lease for road metal and building stones in survey No.87, he is using the assigned land for the said purpose. Third respondent, namely, the Tahsilar, issued notice on 22.03.2007 in Form I under Rule 3 of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Rules, 2007 alleging that the petitioner contravened Section 3(2) of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (the Act, for brevity) and calling upon him to submit explanation. Assailing said notice, the petitioner filed instant writ petition mainly on the ground that the Act has no application as the land is sought to be resumed on the ground he is ineligible for grant of patta. This Court on 16.05.2007, while ordering notice before admission, granted *status quo*. Today, when the matter is coming up for further consideration, the learned Assistant Government Pleader for Revenue submits that in response to the impugned show-cause notice dated 22.03.2007, the petitioner submitted explanation on 02.05.2007 and that an order was passed by third respondent on 03.05.2007 under Section 4 of the Act.

As order under Section 4 of the Act is already passed by the Tahsildar directing resumption of the land, the remedy of the petitioner is to file an appeal before the Revenue Divisional Officer concerned and this writ petition has become infructuous as it is filed against the show-cause notice issued in Form I. Liberty is given to the petitioner to file appeal before second respondent.

The writ petition, with the above observations, is accordingly dismissed. No costs.

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(**V.V.S.RAO, J**)

26th June, 2007
ghn